

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Richmond Division

COMMONWEALTH OF VIRGINIA,	)	
ex rel. Kenneth T. Cuccinelli, II, in his official	)	
capacity as Attorney General of Virginia,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:10-cv-00188-HEH
	)	
KATHLEEN SEBELIUS, Secretary of the	)	
Department of Health and Human Services,	)	
in her official capacity,	)	
	)	
Defendant.	)	
_____	)	

**MOTION FOR SUMMARY JUDGMENT**

The defendant, Kathleen Sebelius, Secretary of the United States Department of Health and Human Services, by the undersigned counsel, respectfully moves this Court for an order awarding her summary judgment pursuant to Rule 56(b) of the Federal Rules of Civil Procedure. In support of this motion, the defendant refers the Court to the accompanying Memorandum in Support of Defendant's Motion for Summary Judgment, and the Appendix of Exhibits in Support of Defendant's Motion for Summary Judgment.

WHEREFORE, the defendant, by counsel and pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, respectfully requests that the Court issue an order awarding her summary judgment in the above-captioned case, and for such other relief as the Court deems just and proper.

DATED this 3<sup>rd</sup> day of September, 2010.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of September, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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